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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,923	02/11/2000	Joseph Gebis	AM9-98-146	5882

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FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

TRAN, PABLO N

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,923

Applicant(s)

GEBIS ET AL.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-20, 23-31 and 34 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 21, 22, 32, 33, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 12-20, and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare (5,819,160) in view of Cannon et al. (5,974,447).

As per claims 1, 13, and 24, Foladare disclosed an information handling system comprising a content database (fig. 1/no. 18) for storing content and the content is organized into at least one channel, means for receiving subscriber content preference and the subscriber content preferences comprises preferences for at least one preferred channel within the at least one channel, a content controller (fig. 1/no. 16) for selecting from the at least one preferred channel according to the subscriber content preference, means for mixing content from the at least one preferred channel according to subscriber content preference, a modulator coupled (col. 4/ln. 4-6) for modulating audio

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content, and a transmitter (col. 4/ln. 4-6) coupled to the content database and to the means for mixing content for wirelessly transmitting mixed content from the at least one preferred channel to the mobile terminal (col. 2/ln. 27-col. 3/ln. 21).

Foladare does not disclose a text-to-speech converter. However, such converter is well known in the art, as disclosed by Cannon (col. 4/ln. 27-29). Therefore, it would have been obvious to one of ordinary skill in the art to provide such converter as taught by Cannon to the radio subscription system of Foladare in order to reduce bandwidth when delivering the subscriber preference contents to the subscriber terminal.

As per claims 2, 14, and 25, the modified system of Foladare disclosed the transmitter is RF (see Foladare, col. 3/ln. 60-66, see Cannon et al., col. 2/ln. 26-29).

As per claims 3, 15, and 26, the modified system of Foladare disclosed the transmitter operated under analog cellular protocol (see Cannon et al., col. 4/ln. 16-col. 5/ln. 42).

As per claims 4, 16, and 27, the modified system of Foladare disclosed the transmitter operated under analog cellular protocol (see Foladare, col. 3/ln. 60-66, see Cannon et al., col. 4/ln. 16-col. 5/ln. 42).

As per claim 5, the modified system of Foladare disclosed subscriber content preferences are provided by the subscriber (see Foladare, col. 2/ln. 27-col. 3/ln. 21).

As per claims 6-8, 17-19, and 28-30, the modified system of Foladare disclosed the subscriber content preference comprises music, stock, or sports (see Foladare, col. 5/ln. 39-col. 6/ln. 13, see Cannon et al., col. 2/ln. 27-col. 3/ln. 21).

As per claims 9, 20, and 31, the modified system of Foladare disclosed personalized channel mixing means for allowing a user of the remote subscriber unit to specify the way that content from the at least one preferred channel is combined when transmitted by the transmitter (see Foladare, col. 2/ln. 27-col. 3/ln. 21).

As per claims 12 and 23, as stated above in claim, the modified system of Foladare further disclosed a method for personal radio system comprising fetching and mixing the content from at least one preferred channel according to the subscriber content preference and wirelessly transmitting the content to the subscriber (see Foladare, col. 2/ln. 27-col. 3/ln. 21).

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified system of Foladare and further in view of Baker (6,505,046).

As per claim 34, the modified system of Foladare does not disclose the client radio system comprise a text-to-audio converter. However, such is well known in the art as disclosed by Baker (col. 4/ln. 11-14). Therefore, it would have been obvious to one of ordinary skill in the art to provide a text-to-audio converter, as taught by Baker, to the subscriber device of the modified system of Foladare in order to play the message in audio even when the subscriber device lacks a display.

Allowable Subject Matter

5. Claims 10-11, 21-22, 32-33, and 35-36 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mekuria (US2002/0034956A1) and Takahisa et al. (5,491,838) disclose radiotelephone communication system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

July 23, 2004



AUG 15